

8/18/08 - Monday, August 18, 2008

CITY OF EAU CLAIRE
PLAN COMMISSION MINUTES
Meeting of August 18, 2008

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Buchanan, Duax, FitzGerald, Kayser, Larson, Pearson, Waedt

Not Present: Kaiser, Seymour

Staff Present: Messrs. Genskow, Noel, Reiter

Mr. Kayser chaired the meeting.

Mr. Kayser explained the hearing process and asked members of the public to limit their comments to 5 minutes or less.

Mr. Buchanan was concerned for other applicants having to wait a long time before the first item concluded. Mr. Kayser asked those applicants if they were willing to wait and all agreed.

Mr. Pearson abstained from the first item.

1. **REZONING (Z-1422-08) - RM and CBD to P-Public, Eau Claire County Expansion;**

SITE PLAN (PZ-0805) - New County Jail and Courthouse Remodeling;

STREET VACATIONS - Ann Street, 2nd Avenue, Adjacent Alleys;

PUBLIC RIGHT-OF-WAY DEDICATION - Alley Extension

Tom Reiter presented the staff report and described in detail the County's project of adding a new jail facility and remodeling space in the existing courthouse building for the law enforcement center and general government offices. In order to bring about construction, the County needs City approval to rezone multiple properties from CBD (Central Business District) and RM (Mixed-Residential) to P-Public, site plan approval of the overall development scheme, vacation of Ann Street, a portion of 2nd Avenue and adjacent alleys, and dedication of a new public right-of-way for an alley extension. Mr. Reiter noted how various City approved plans (2005 Comprehensive Plan, 1995 West Side Neighborhood Plan, 1994 City Center Plan and the 1981 Neighborhood Conservation District Plan) all envisioned courthouse development expanding to the east towards the Chippewa River. The historical landmarked house at 751 2nd Ave. will be preserved and screened. Planning and Public Works conditions were listed if the commission should approve the project.

Disa Wahlstrand, Ayres and Associates, introduced various professionals associated with the project and stated the new building should not be taller than the existing courthouse, except for the skywalk. Also, the new building has the capability to be added onto vertically or out horizontally if needed in the future.

Tom Poweleit, Venture Architects, stated the building will have three levels and is part of a master plan proposal, which includes three phases for short and long term growth. If approved, demolition of County acquired properties is anticipated for September.

Greg Moore, Eau Claire County Board Chair, stated a county jail has existed in this area since 1873. Planning started back in 1991 for a courthouse campus expansion due to growth in County and inmate populations. Five years ago, the County began getting more specific with planning for law enforcement expansion needs. In June of 2005, the County evaluated its space needs further considering 14 alternatives. The preferred option showed a jail expansion located to east towards the river. In September of 2005, the City adopted their Comprehensive Plan, which recommended the campus should expand east to avoid the established residential neighborhood to the west. In March 2006, the County adopted the current courthouse plan, taking cue from the Comprehensive Plan and earlier City plans. Mr. Moore also stated, it is critical to keep the three largest users of the courthouse; the courts, jails and law enforcement, together for efficient operations and believed everyone thought the jail proposed was common knowledge.

Frank Draxler, County Purchasing Director, stated the County held numerous public and neighborhood meetings. Input received was incorporated, such as moving the jail to a 30 foot setback off 1st Avenue and not closing 2nd Avenue.

Kathy Mitchell, 414 Summit Avenue, chaired the Plan Commission in 1993 and was on the 2005 Comprehensive Plan Committee and remembers the land designated on plans would be used for any or all of County government operations- including a jail. She thought the rezoning request is consistent with the Comprehensive Plan's Land Use Map.

Will Fantle, 901 Platt Street, Eau Claire County Board member and a co-chair of the City's Comprehensive Plan Committee in 2005, stated there was no discussion about the jail. He was concerned with how large the proposed building is and future phases of the courthouse expansion. He thought the proposal was not consistent with the Comprehensive and neighborhood plans.

Ken Fulgione, 330 Lincoln Avenue, Eau Claire County Board member, stated there was no 345 bed jail expansion discussed during the City's Comprehensive Plan process and the proposal fails to fit within the immediate neighborhood. He has opposed the jail expansion because of lack of public participation and believes there are other alternatives the County should look into.

Maureen Slauson, 322 W. Grand Avenue, Eau Claire County Board member, stated the process should have followed the recommendations as found in the Planning and Design Guide for Correctional Facilities. She displayed a graph that showed the

County needing to expand again roughly in 2027 because of new growth. She stated the proposal is not consistent with specific goals the Comprehensive Plan such as historic preservation and physical character.

Marty Fisher-Blakely, 237 Niagara Street, former president of Randall Park Neighborhood Association, stated there was no real opportunity to give input because the jail location was considered a done deal. She had envisioned some thing different for that location which would work better with the existing neighborhood.

Nick Smiar, 320 Broadway Street, stated the rezoning request is larger than the area>

Caroline Irgens Roback, 411 Hudson Street, spoke against the project and there was not enough public inclusion on the decision-making.

Heather DeLuka, 3103 Hope Avenue, stated the riverfront land should be kept more natural with potential for private development.

Aaron Brewster, 451 Lincoln Avenue, stated University of Wisconsin Eau Claire (UWEC) Student Senate passed two resolutions stating they were against the jail expanding in the current location.

Christina Hupy, 3025 Coltman Lane, geography professor at UWEC, presented a student study using geographic information systems software to determine what locations would be the worst and best for a new jail. The study created buffer zones around the subject sites such as parks, schools and historic homes, and revealed the best places to locate jails are in industrial areas and in lighter concentrations of overlapping buffer zones.

David Ingrens, 145 Marston Avenue, Pastor at Grace Lutheran Church, stated his congregation is concerned about the jail expansion and how it might change the demographics of the neighborhood. The real estate where the jail is being proposed is too valuable, being next to the river. He believed a remote site would be a better alternative and transportation costs would be negligible.

Justin Leesch, 1714 8th Street, stated the project is too large and thought the public was deceived about the County's plans.

Joel Mikelson, 701 Menomonie Street, Eau Claire County Board member, wanted a remote jail and said the planning process fell apart not adequately involving the public.

Hal Davis, 3521 Ellis Street, former City Council and Plan Commissioner, believed the County did not deceive the public and they followed the general policies of the Comprehensive Plan. The jail needs to be next to other support services such as the City/County Health Department and other programs to help inmates.

Ted Barr, 1023 Emery Street, stated nationwide jails were historically located next to courthouses. He wanted to see a tax-base analysis as part of the rezoning application.

Ryan Wells, 133 Lake Street, believed the application was incomplete because it did not address all findings of fact, such as providing proof of not hindering the environment, neighborhood compatibility, and being inconsistent with Comprehensive Plan policies.

Jim Dunning, 169 Wold Court, Eau Claire County Board member, stated there was a community advisory board that met every three weeks during the design process. Thus, the County opened itself up to a lot of community consideration. These considerations helped in the final design such as saving the historic home at 751 2nd Ave., making the exterior of the jail look more like an office building and designing it to meet Leadership in Energy and Environmental Design certification. He believes the proposal is consistent with the City's Comprehensive Plan.

Tammy Croteau, 3021 Irene Drive, stated a jail along the riverfront is not appropriate and the project team should analyze the National Institute of Corrections design guide.

Kris MacCallum, 1647 Woodland Avenue, stated the massing and scale of the jail is too large for the neighborhood.

Judy Harris, 2528 5th Street, stated the house at 741 2nd Avenue is worth saving because of historic significance.

Jeff DeGrave, 133 Lake Street, geography professor at UWEC, stated the staff report was inadequate.

Ray French, 505 S. Barstow Street, Apt. 204, stated student senate at UWEC passed two resolutions against the jail and they received little attention from the County during the public participation process.

Ed Garlick, N46287 Voldsness Lane, Eleva, WI, stated he owns a lot of rental student housing and is proud of the condition of the student housing in Eau Claire. Approving the rezoning would be a disservice to the neighborhood.

Amanda Zindars, 2320 Sessions Street, Apt. 8, UWEC student, stated the expansion would help the incarcerated because of better facilities and programs.

Analisa DeGrave, 133 Lake Street, stated three years ago she drafted a petition against any jail expansion and the most recent petition has over 5,000 names listed. She wanted other alternative scenarios and long term needs reconsidered.

John Case, 2113 W. Mead Street, stated the project is not compatible with the riverfront.

Dennis Begalke, 1814 Skeels Avenue, stated back in 2005 there was already opposition to the jail and wants an environmental and economic impact analysis conducted.

Charles Ivey, 751 2nd Avenue, stated he was grateful that his house is being saved but it will be awful being surrounding by the jail expansion.

Ron Cramer, 3618 Greendale Court, Eau Claire County Sheriff, stated the neighborhood has not complained about the existing jail because of problems and there is a need to expand it because they have 50 to 60 inmates at other county facilities. He stated law enforcement sharing space saves taxpayers money and a remote site would cost a lot more than this \$59.1 million dollar proposal. Any delays would also drive up project costs and co-locating makes the most sense economically and operationally.

Tami Schraufnagel, 529 Hobart Street, Eau Claire County Board member, stated she thought the expansion area lends itself better for private development such as mix-use projects, which would continue downtown revitalization.

Chris Fraser, 1005 2nd Avenue, stated the area should not be rezoned because public opposition is strong.

The public hearing ended.

Greg Moore described two draft resolutions to be considered by the County Board to withdraw the application and create a committee to investigate the matter further, keeping to deadlines. These resolutions would be acted upon at their next County Board meeting tomorrow.

Mr. Larson stated the project is consistent with the Comprehensive Plan, takes

advantage of the existing jail infrastructure, would benefit from other County services due to co-location, and therefore an approval is rational and cost effective.

Mr. Buchanan opposed the rezoning because land adjacent to the riverfront should be developed more optimally, such as with mixed-use projects and expanded green space.

Mr. Duax believed the City's Comprehensive Plan lacked certainty describing what exact government uses should be expanded towards the river.

Mr. Kayser stated the Plan does give enough certainty and does not want the item tabled but that a decision should be made.

Mr. Waedt and Mr. FitzGerald thought the proposal meets the Comprehensive Plan, but future phases would not.

Mr. Duax motioned to postpone the rezoning and site plan applications until September 2nd or until the County Board makes a decision on the two resolutions described earlier. Mr. Waedt seconded and the motion carried.

Mr. Larson motioned to postpone right of way vacations and dedication until September 2nd or until the County Board makes a decision on the two resolutions described earlier. Mr. Waedt seconded and the motion carried (Mr. Buchanan and Mr. Duax were in recess).

2. **CONDITIONAL USE PERMIT (CZ-0832) - Single-family House in R-4 District,**

1827 Bellinger Street

Mr. Pearson returned to the meeting.

Ned Noel presented a request to allow a single-family house in a R-4 district. An existing house would be moved onto the vacant substandard lot but would meet required setbacks for the district and parking is adequate on site accessed from the rear alley.

Applicant, Everett Blakely Jr., 237 Niagara Street, spoke in support of the project.

Mr. FitzGerald motioned to approve the condition use permit. Mr. Buchanan seconded and the motion carried.

3. **CONDITIONAL USE PERMIT (CZ-0833) - Duplex, 403 Third Avenue**

Ned Noel presented the request to allow a conversion of a single-family home to a duplex in a R-2 district at 403 Third Avenue. The property is zoned to allow duplexes, adequate parking exists on site for two units and the house is a historical landmark. The proposal does not change the exterior of the dwelling so there is no required Landmark Commission review. Staff received an email from the Historic Randal Park Neighborhood Association, stating they had not yet reviewed the project for comment.

Applicant, Bobby Pitts, 403 3rd Avenue, spoke in support and stated he has been unable to sell the house and due to family medical difficulties it has been hard to use and maintain the large house.

Katherine McIntyre, 4105 3rd Avenue, opposed the conversion because it is a historical house, the alley has enough parking and traffic already, and she was concerned about the neighborhood becoming more rental than owner-occupied.

Commissioners stated instead of converting the historic house into a duplex, the owner could rent out space under the Dwelling Unit definition, so long as there are no more than one family and two unrelated persons occupying the house.

Mr. FitzGerald motioned to deny the conditional use permit because space in the house could be rented and the alley is cramped for parking. Mr. Waedt seconded and the motioned carried.

4. **TAX INCREMENT DISTRICT (TID #9) - Gateway Northwest Tax Incremental District**

Becky Noland presented information for Tax Increment District #9. The location of the district is generally north and east of the intersection of CTH "T" and North Crossing. The request is to designate district boundaries and adopt the project plan for TID #9. Approval will allow the City ability to start phased improvement on roads and utilities to facilitate economic development in the business park.

No one spoke at the public hearing.

Mr. Duax moved to approve the resolution adopting TID #9 boundaries and its Project Plan. Mr. Pearson seconded and the motion carried.

5. **FINAL PLAT (P-3-08) - Shadowood Estates, Town of Pleasant Valley**

Ned Noel presented the staff report to approve a final plat for Shadowood Estates in the Town of Pleasant Valley. The two-lot subdivision is consistent with the earlier approved preliminary plat. The plat (along with the other two existing lots) results in a net

density of four dwelling units and complies with the one unit per ten-acre standard.

The applicant, Hiess-Loken was not present and no one spoke in opposition to the plat.

Mr. FitzGerald recommended approval of the final plat. Mr. Buchanan seconded and the motion carried.

6. **SITE PLAN (SP-0830) - Central Storage and Warehouse Facility**

Ned Noel presented the request to approve the site plan for a proposed 60,000 square foot storage and warehouse facility located on the north side of Fortune Drive and west of Venture Drive. Parking has been provided with 13 stalls. Trash handling will now be handled inside the building.

Applicant, John Winegarden was not present to speak on behalf of his project.

Mr. FitzGerald recommended approval of the site plan with the conditions listed in the staff report (eliminating the condition requiring screening of outdoor trash dumpsters). Mr. Buchanan seconded and the motion carried.

7. **DISCUSSION/DIRECTION**

A. Code Compliance Items

None.

B. Future Agenda Items

Mr. FitzGerald asked staff to look into if the Waterways and Parks Commission should also review projects across a street from a trail, park, or river.

8. **MINUTES**

Mr. Duax motioned to approve the meeting minutes of August 4, 2008. Mr. FitzGerald seconded and the motion carried.

Fred Waedt

Secretary